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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/775,581

02/10/2004

Pawel Wrobel

WROBEL-1

2146

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EXAMINER

CHANKONG, DOHM

ART UNIT

PAPER NUMBER

2152

MAIL DATE

DELIVERY MODE

11/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/775,581

Applicant(s)

WROBEL, PAWEL

Examiner

Dohm Chankong

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/10/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

- 1> Claims 1-5 are presented for examination. This is a non-final rejection.

Priority

- 2> Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

- 3> The information disclosure statement filed on February 10, 2004 has been considered.

Drawings

- 4> Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Here, Applicant has cited figure 1 as representing a method known from the prior art.

Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5> Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

a. The claims suffer from antecedent problems. What follows are merely exemplary examples; Applicant should carefully review all claims to insure compliance with the requirements under §112.

i. As to claim 1:

(1) *"The method of handling reception..."*

(2) *"...broadcasting in the data stream, in the form of the carousel of objects..."*

(3) *"the receiver storage"*

(4) *"...from the moment of connecting the receiver..."*

(5) *"...the data belonging to the defined carousel..."*

(a) It is not immediately clear if "the defined carousel" is supposed to refer to the "the carousel of objects." That is the interpretation taken for the purposes of this action.

(6) “the sequence”

(7) “modules are created out of *them*”

(b) It is not immediately clear if “them” is supposed referring to “these data”, “all data” or any other term in the claim. For the purposes of this action, “them” is interpreted as referring to “all data.”

(8) “...and next *their content* is placed in *the file system*...”

(c) It is not clear whether “their content” is supposed to refer to the content within the decompressed modules. That is the interpretation taken for the purposes of this action.

ii. As to claim 2:

(9) “the packet”

(10) “the module of the carousel”

(11) “...next *it* is checked...”

(12) “the needed data”

(13) “the storage”

(14) “the completeness”

(15) “the retrieved carousel”

iii. As to claim 3:

(16) “the data sections”

(17) “the defined carousel of objects”

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(18) "PID number" – Applicant should first define "PID" before using it as an abbreviation

iv. As to claim 4:

(19) *"the carousel of objects requested by the application"*

v. As to claim 5:

(20) *"the application manager"*

b. Claim 2 is also rejected for containing unclear language. Claim 2 recites in part that "from the packet of the data stream a section of the packet is retrieved, which includes the module of the carousel." It is unclear which claim element – the packet, the data stream or the section – "includes" the module. Applicant is requested to amend the language to clarify the relationships between the claimed elements. For the purposes of this action, the language will be interpreted as the section including the module.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6> Claims 1-5 are rejected under 35 U.S.C §103(a) as being unpatentable over Stalker, U.S Patent Publication No. 2002|0091816 in view of Chari, U.S Patent No. 6.038.319.

7> As to claim 1, Stalker teaches a method of handling reception of receiver software, according to which the software is broadcasted in the data stream, in the form of the carousel of objects, while after reception and decompression, the software is characterized in that:

from the moment of connecting the receiver to the data stream, the data belonging to the defined carousel are immediately retrieved [0015-0017 : Stalker's client receives data blocks from the data carousel], using a packets filter, in the sequence of broadcast of these data in the stream [0016, 0021, 0022 : Stalker discloses installing filters to more efficiently process incoming data blocks within the broadcasted data of the carousel], after receiving all data, modules are created out of them [Figure 5B : decision block labeled as "Have Read All Blocks?" | 0027], and next their content is placed in the file system of the receiver [0016].

Stalker does not expressly disclose decompressing the modules. In the same field of invention, Chari is directed towards a system for sharing television applications based in part on using data carousels for broadcasting modules to receiving stations [abstract]. Like Stalker, Chari discloses assembling modules from received packets [Figure 4 | column 6 «lines 39-43»]. However, Chari further discloses decompressing the modules after assembling them [column 5 «lines 4-6» | column 11 «lines 18-22»].

It would have been obvious to one of ordinary skill in the art to have modified Stalker's method with the decompression functionality taught in Chari. Compression and decompression technology was well known in the art at the time the invention was made for providing enhanced delivery by conserving bandwidth [see Chari, column 4 «lines

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10-12»]. Thus, one would have been motivated to combine Stalker and Chari to improve the delivery capability of the modules over the network.

8> As to claim 2, Stalker as modified by Chari discloses the method of claim 1 characterized in that from the packet of the data stream a section of the packet is retrieved, which includes the module of the carousel [0018], next it is checked if the section includes the needed data, which are written in the storage of the receiver [0023, 0031], at the same time the completeness of the retrieved carousel of objects is checked [0027 : determining whether all the data blocks have been read].

9> As to claim 3, Stalker as modified by Chari discloses that the data sections, retrieved from the data stream, related to the defined carousel of objects, are broadcasted in packets [0015] with a specific PID number [0019 : each packet contains an identifier that links the module with the specific application. Stalker's identifier reads on Applicant's claimed PID number].

10> As to claim 4, Stalker as modified by Chari discloses that the receiver gets connected to the data stream when an application of the receiver executes a request, which defines the PID number of packets [0019], in which the carousel of objects requested by the application is broadcasted [0006, 0016].

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11> As to claim 5, Stalker discloses the receiver gets connected to the data stream in case when the applications manager attempts to start the application [0019 where : Stalker's interest manager reads on Applicant's claimed applications manager], which is signaled in a given service together with the PID number of packets [0019], in which the carousel of objects of the signaled application is broadcasted [0028].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Metz et al, U.S Patent No. 5,666,293 : broadcasting applications by capturing those packets that share the same version number;

Metz et al, U.S Patent No. 5,978,855 : see above;

Fitzpatrick, U.S Patent Publication No. 2002|0012347 : downloading application code using a carousel technique;

Mori et al, U.S Patent Publication No. 2002|0059628 : broadcasting application modules through the use of data carousel transmission;

Bechtel et al, U.S Patent Publication No. 2002|0138500 : carousel file server for transmitting streams of application data through the use of PID filtering;

Houldsworth et al, U.S Patent Publication No. 2002|0170074 : transmission system using object carousel;

Sonoda et al, U.S Patent No. 6,622,004 : system for pre-reading modules received in a carousel sending scheme;

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Skaringer et al, U.S Patent Publication No. 2003|019815 : system for optimizing the time required to download objects from a carousel by ensuring that all modules have been received;

Chane et al, U.S Patent Publication No. 2004|0024753 : broadcast database for transmitting modules along with a contents module that includes how the modules should be assembled;

Russ et al, U.S Patent Publication No. 2004|0049790 : transmitting and receiving carousel objects;

Hirai et al, U.S Patent No. 6.951.030 : method for broadcasting data using a carousel method;

Skaringer et al, U.S Patent No. 7.003.783 : method for downloading objects and insuring that the requested object is a current version;

Inoue, U.S Patent No. 7.243.131 : information transmission method for objects and modules using a data carousel; and

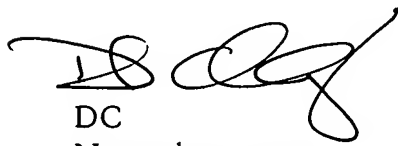
Crinon et al, U.S Patent No. 7.269.840 : transmission of information data using object carousels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



DC
November 2, 2007